

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 6 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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PRAKASH CHANDRAKANT SHETH

Versus

STATE OF GUJARAT

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Appearance:

MR MIHIR H JOSHI for Petitioner

MR KT DAVE APP for Respondent No. 1

MR PK JANI for Respondent No. 2

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CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 22/07/98

ORAL JUDGEMENT

By way of this application, it has been prayed  
that complaint being Criminal Case No.163/96 filed on  
3.10.1996 in the Court of the Metropolitan Magistrate,

Court No.9, Ahmedabad be quashed and set aside.

2. Learned Advocate Shri Mihir Joshi appearing for the petitioner has submitted that there was a civil dispute between the present petitioner, namely, the accused in the complaint referred to hereinabove and Respondent No.2. Moreover, he has submitted that, due to some objections raised by the present petitioner in the process of amalgamation of Ratnamani Metals & Tubes Ltd., the complaint in question has been filed by Respondent No.2 and by doing so, Respondent No.2 has made an effort to abuse the process of law. He has further submitted that, even upon bare perusal of the complaint, no offence has been made out, and as such the complaint requires to be quashed and set aside.

3. On the other hand, learned Advocate Shri Jani appearing for Respondent No.2 has submitted that, during pendency of the petition, the entire dispute between the petitioner and Respondent No.2 had been amicably settled. Looking to the facts and circumstances of the case, Shri Jani has fairly submitted that it would not be possible for him to defend Respondent No.2 and as the matter has been amicably settled, in the interest of justice, he would not object to quashing of the said complaint. Learned A.P.P. Shri K.T.Dave appearing for the State has also submitted that quashing of the said complaint would not be against the public interest.

4. The petitioner and Respondent No.2 are present in the court and they also have confirmed that the matter has been amicably settled amongst the parties.

5. Looking to the facts and circumstances of the case, in order to meet the ends of justice and in the interests of the petitioner and Respondent No.2, this application is allowed. I, accordingly, quash and set

aside Criminal Case No.163/96 filed in the Court of the learned Metropolitan Magistrate, Court No.9, Ahmedabad, a copy of which is annexed and marked as Annexure-B to this application. Rule is made absolute.

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[KMG Thilake]